

BUILDING PERMITS AND INSPECTIONS

DATE: March 11, 2004

TO: City Clerk

FROM: Tom Maguire, Housing Compliance Supervisor Ext. 4588 (Rosa Lopez Ext. 4800)

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

Please place the following item on the Consent Agenda for the Council Meeting of April 6th, 2004.

Notice to set a public hearing to be held on May 4th, 2004 to determine if the property located at 3106 Rivera Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated February 4th, 2004. The owner of record as of March 3rd, 2004, Jose Madriles, 3106 Rivera Avenue, El Paso, Texas 79905, has been notified of the violations at this property. Delinquent taxes in the amount of \$14,470.17 and a suit is pending. **(District #8)**
[Building Permits & Inspections, Tom Maguire, (915) 541-4588]

Special Instructions

City Clerk's Use

Item No. _____

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 4th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3106 Rivera Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 28 and 29, Block C, Supplemental Map No. 1 of East El Paso, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Madriles, 3106 Rivera Avenue, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 6th day of April, 2004.

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property located at 3106 Rivera Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

Richarda Duffy Momsen

Executed this ____ day of _____, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this ____ day of _____, 2004.

Notary Public

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property located at 3106 Rivera Avenue, was PUBLISHED in the official City newspaper on the ____day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose Yadriles
3106 Rivera Ave.
El Paso, Texas 79905

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Louis J. Foght
DBA Phil's Plumbing Shop
7361 North Loop Dr.
El Paso, Texas 79915

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Rosa Clifford
203 E. 5th St., Apt. 302
Dallas, TX 75203

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Guadalupe Madriles Vega and Rosa Maria Madriles Clifford
C/O Frank J. Galvan
306 San Antonio Ave.
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated April 6th, 2004 regarding the property at 3106 Rivera Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
3106 Rivera Avenue, El Paso, Texas.

Date:_____

Time:_____

Inspector

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, APRIL 6TH, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

March 30, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 3106 Rivera Avenue (Rep. District #8)

Scheduling a public hearing to be held on May 4th, 2004 to determine if the property located at 3106 Rivera Avenue in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 3rd, 2004, Jose Madriles, 3106 Rivera Avenue, El Paso, Texas 79905, has been notified of the violations at this property. District #8

CITY CLERK DEPARTMENT
2004 MAR 31 PM 3 49

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
February 6, 2004

Jose Madriles
3106 Rivera Ave.
El Paso, Texas 79905-3520

Re: 3106 Rivera Ave.
Lots: 28 & 29
Blk: C, East El Paso
Zoned: A-3
COD04-01715
Certified Mail Receipt #
7003 1680 0000 1711 9224

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

3106 Rivera Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 3106 Rivera Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter.

3106 Rivera Avenue

- I. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LCL/rl

[illegible]

EL PASO CITY-COUNTY HEALTH & ENVIRONMENTAL DISTRICT

ENVIRONMENTAL HEALTH

MEMORANDUM

DATE: February 11, 2004

MEMO TO: Tom McGuire, Housing Compliance Supervisor

FROM: Samuel Jarvis, Sr. Environmental Health Inspector

SUBJECT: Condemnation Report

Re: 3106 Rivera Avenue

An inspection of the property was conducted on February 10, 2004 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE STORAGE AREA

Trash was noted around the solid waste storage area.

SECTION 9.04.340 - ACCUMULATIONS

Old furniture, tree stumps, weeds and trash were noted on the property.

SECTION 9.16 - NUISANCE

The tree stumps and the old furniture, weeds and trash are creating vermin harborage and are an eye sore to the public.

SECTION 9.16.010 - DESIGNATED

The building has been abandoned and has not been maintained for a long time. Broken windows and structural damage were noted. The building is not secure and poses a safety hazard to the surrounding neighbors.

SECTION 9.28 - RAT CONTROL

N/A

If you require additional assistance on this matter, please call me at (915) 860-2378 or Fax (915) 860-1081.

20040308 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 144008

ACCOUNT E014999000C3600
UNITS:01 06 07 08 03
MADRILES, JOSE

AMT DUE AS OF: 20040308 ROLL R ALT OWN
OMIT(-)/SEL(+)
C EAST EL PASO
28 & 29
(7000 SQ FT)

3106 RIVERA AVE

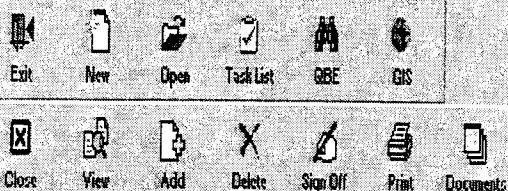
EL PASO		TX 79905-3520		LAWSUIT 2002TX798			
ACRES .1607		PARCEL ADDRESS		3106 RIVERA			
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL DUE
2003	36047		1090.50	1090.50	276.44	.00	1366.94
2002	36047		1083.18	1083.18	486.33	.00	1569.51
2001	36047		1069.10	1069.10	627.55	.00	1696.65
2000	49731		1435.34	1435.34	1040.63	.00	2475.97
1999	49731		1431.08	1431.08	1235.03	.00	2666.11
1998	49731	YY Y	454.74	454.74	455.19	.00	909.93
1997	49731		435.08	435.08	420.50	.00	855.58
1996	49731		434.49	434.49	459.91	.00	894.40
1995	49731		432.39	432.39	611.83	.00	1044.22
TOTAL			7865.90	7865.90	5613.41		
LAST PAYOR NONE				PAGE TOTAL		13479.31	
NOTE EXISTS SUIT PENDING				CUMULATIVE TOTAL		14470.17	
MORE YEARS ON NEXT PAGE							

20040308 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 144012

ACCOUNT E014999000C3600 AMT DUE AS OF: 20040308 ROLL R ALT OWN
UNITS:01 06 07 08 03 OMIT(-)/SEL(+)
MADRILES, JOSE * C EAST EL PASO
3106 RIVERA AVE 28 & 29
(7000 SQ FT)

EL PASO	TX 79905-3520	PARCEL ADDRESS	LAWSUIT 2002TX798
ACRES .1607			3106 RIVERA
YEAR GROSS VAL HOVDFAER	RCVL LEVY	REM LEVY	FEEES
1993 38963	298.64	298.64	692.22
			PAYMENTS .00
			TOTAL DUE 990.86

TOTAL	298.64	298.64	692.22		
LAST PAYOR NONE				PAGE TOTAL	990.86
NOTE EXISTS	SUIT PENDING			CUMULATIVE TOTAL	14470.17
END OF YEARS FOR THIS ACCOUNT					



Case Browse

Query

Select

GIS

Help

Cancel

Case Enforcement - COD04-01715 Status: PND

Name: MADRILES, JOSE

Updated: 2/4/2004

RL

General

Address: 3106 RIVERA

Description: Master #: COD04-01715

Project:

Category

Open and abandoned

Comments

Activity for COD04-01715

Description	Menu Code	Date1	Date2	Date3	Disp	Done By	Notes
Complaint Received	A0010			2/4/2004		RL	
Enforcement Inv Report A5				2/4/2004			
Refer to Fire	B0040	2/10/2004	2/10/2004	2/19/2004	DONE	931	This is a masonry, w
30 Day Notice	C605			3/8/2004	DONE	LCL	Letter #3 on 2/9/04
Web - Open Case for (MOPC				3/8/2004	DONE	LCL	Title search 3/3/04

New / Edit Activity

Activity: 0040 Desc: Refer to Fire

Updated: 2/19/2004 931

Edit

Disposition: DONE

Hold Level: No hold

Sign Off

Dates

Date Referred 2/10/2004

Calendar Tag: FDCM

Date 2

Date Received 2/10/2004

Report Tag:

Date Completed 2/19/2004

Assigned To: 931

OK

Done By: 931

Help

Notes:

unsecure at this time. Doors and windows open or broken, old dry wood and tires in yard. This structure is a life, health and severe fire hazard and recommendation is for demolishment as soon as possible. Structure should be secured until then.

X-Coordinate:

Y-Coordinate:

Programs

File Edit Options Window Help

Case Browse

Query Select GIS Help Cancel

Case Enforcement - COD04-01715 Status: PND

Name: MADRILES, JOSE Updated: 2/4/2004 RL

Address: 3106 RIVERA

Description: Master #: COD04-01715 Project:

Open and abandoned

Activity for COD04-01715

Description Menu Code Date1 Date2 Date3 Disp Done By Notes

Complaint Received A0010 2/4/2004 RL

Enforcement Inv Report A5 2/4/2004

Refer to Fire B0040 2/10/2004 2/10/2004 2/19/2004 DONE 931 This is a masonry, w

30 Day Notice C605 3/8/2004 DONE LCL Letter #3 on 2/9/04

Web - Open Case for (MOPC 3/8/2004 DONE LCL Title search 3/3/04

New / Edit Activity

Activity: 0040 Desc: Refer to Fire Updated: 2/19/2004 931

Disposition: DONE Hold Level: No hold

Dates

Date Referred 2/10/2004 Calendar Tag: FDCM

Date Received 2/10/2004 Report Tag:

Date Completed 2/19/2004 Assigned To: 931

Done By: 931

Notes:

unsecure at this time. Doors and windows open or broken, old dry wood and tires in yard. This structure is a life, health and severe fire hazard and recommendation is for demolishment as soon as possible. Structure should be secured until then.

X-Coordinate:

Y-Coordinate:

Start

Inbox - Microsoft Outlook

Tidemark Advantage

Printscreen 05

2/19/2004 11:11 AM

0:07 AM

This is a masonry, wood frame structure, unoccupied and unsecure at this time. Doors and windows open or broken, old dry wood and tires in yard. This structure is a life, health and severe fire hazard and recommendation is for demolition as soon as possible. Structure should be secured until then.